

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

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IN RE YASMIN AND YAZ (DROSPIRENONE)	: 3:09-md-02100-DRH-PMF
MARKETING, SALES PRACTICES AND	: MDL No. 2100
RELEVANT PRODUCTS LIABILITY	:
LITIGATION	:
-----	: Judge David R. Herndon

This Document Relates to:

ORDER

**Hunnicut v. Bayer HealthCare
Pharmaceuticals, Inc. et al., No. 3:10-cv-
11044-DRH-PMF**

ORDER

HERNDON, Chief Judge:

This matter is before the Court on defendant Bayer HealthCare Pharmaceuticals Inc.'s ("Bayer") motion to dismiss the above captioned action without prejudice. To date, plaintiff has not responded to Bayer's motion.

On January 19, 2011, the Court granted a motion to withdraw filed by plaintiff's counsel (Doc. 7). The Order provided that, "[i]f Plaintiff or her new counsel fails to file a supplementary appearance within 21 days of the entry of this Order, Plaintiff's action will be subject to dismissal without prejudice for failure to comply with this Order and with her Plaintiff Fact Sheet requirements." (Doc. 7 at 3). To date, and in violation of the Order **and Local Rule 83.1(g)**, plaintiff has not filed a supplementary appearance.

Plaintiff must comply with the Local Rules and this Court's orders.

Fed. R. Civ. P. 41(b). In addition, plaintiff's failure to file an appearance has prejudiced Bayer. Her PFS was due on November 5, 2010. To date, and in violation of Case Management Order 12, she has not served a fact sheet. The PFS is more than two months overdue.

Accordingly, for the reasons stated herein, plaintiff's action is hereby dismissed without prejudice.

SO ORDERED.

 Digitally signed by
David R. Herndon
Date: 2011.03.28
16:00:08 -05'00'

**Chief Judge
United States District Court**

Date: March 28, 2011